

SENATE RECORD VOTE ANALYSIS

105th Congress
2nd Session

Vote No. 231

July 23, 1998, 1:08 p.m.
Page S-8338 Temp. Record

COMMERCE-JUSTICE-STATE/Vietnam POW-MIAs

SUBJECT: Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill for fiscal year 1999 . . . S. 2260 Gregg motion to table the Kerry amendment No. 3276.

ACTION: MOTION TO TABLE FAILED, 34-66

SYNOPSIS: As reported, S. 2260, the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill for fiscal year 1999, will provide a total of \$33.239 billion in new budget authority, which is \$1.115 billion more than appropriated for fiscal year (FY) 1998 and is \$3.647 billion less than requested. The bill contains large spending increases for various law enforcement activities.

The Kerry amendment would strike section 405. Section 405 will impose conditions on expanding diplomatic relations with Vietnam. Those conditions are in regard to Vietnam's level of cooperation in resolving American prisoner-of-war and missing in action (POW/MIA) cases from the Vietnam conflict that have yet to be resolved. Following President Clinton's decision in 1995 to establish normal diplomatic relations with Vietnam despite the large number of remaining POW/MIA cases, an annual certification process was created. That process requires the President to certify, based on information available to the United States, that Vietnam is "fully cooperating" in good faith with the United States in resolving POW/MIA cases as a condition for the release of funds to pay for more diplomatic posts and more personnel in Vietnam than were there prior to July 11, 1995. Section 405 of this bill will strengthen that certification requirement. The President, based on a formal assessment, will have to certify that Vietnam is "fully forthcoming and fully cooperatin

(See other side)

YEAS (34)			NAYS (66)			NOT VOTING (0)	
Republicans (30 or 55%)	Democrats (4 or 9%)		Republicans (25 or 45%)	Democrats (41 or 91%)		Republicans (0)	Democrats (0)
Ashcroft	Gregg	Byrd	Abraham	Akaka	Johnson		
Bennett	Hatch	Feingold	Allard	Baucus	Kennedy		
Bond	Helms	Moseley-Braun	Burns	Biden	Kerrey		
Brownback	Hutchinson	Reid	Chafee	Bingaman	Kerry		
Campbell	Hutchison		Coats	Boxer	Kohl		
Collins	Inhofe		Cochran	Breaux	Landrieu		
Coverdell	Kempthorne		DeWine	Bryan	Lautenberg		
Craig	Lott		Domenici	Bumpers	Leahy		
D'Amato	Nickles		Gorton	Cleland	Levin		
Enzi	Roberts		Hagel	Conrad	Lieberman		
Faircloth	Santorum		Jeffords	Daschle	Mikulski		
Frist	Sessions		Kyl	Dodd	Moynihan		
Gramm	Smith, Bob		Lugar	Dorgan	Murray		
Grams	Snowe		Mack	Durbin	Reed		
Grassley	Thurmond		McCain	Feinstein	Robb		
			McConnell	Ford	Rockefeller		
			Murkowski	Glenn	Sarbanes		
			Roth	Graham	Torricelli		
			Shelby	Harkin	Wellstone		
			Smith, Gordon	Hollings	Wyden		
			Specter	Inouye			
			Stevens				
			Thomas				
			Thompson				
			Warner				

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Those favoring the motion to table contended:

The language in this bill, authored by Senator Smith (of New Hampshire), was included on behalf of the families of the more than 2,000 American POW/MIAs still missing in Vietnam and Laos. It would strengthen the existing annual certification language by requiring that Vietnam be “fully forthcoming” as well as “fully cooperating” in efforts to find POW/MIAs. Also, it would list specific steps that Vietnam would have to be taking in order to meet that standard. For 3 years the President has certified that Vietnam has met the standard under the existing certification language. We disagreed with his certifications, but they were his alone to make. With the new language in this bill, all we are doing is clarifying what the President is supposed to consider when making his decision. Quite frankly, we doubt that any language would lead him to conclude that certification should be denied. Such an action would be opposed by commercial interests that are making money by trading with Vietnam, and that hope to greatly increase that trade. The oil industry especially does not want to do anything that may worsen relations with this country. Many of our colleagues also object to this slight increase in pressure on behalf of POW/MIAs and their families. They have therefore offered the Kerry amendment, to strike the bill language and to reinstate the existing certification language. Our colleagues need to reexamine their priorities. The United States should not place making a profit ahead of gaining the fullest possible accounting of America’s POW/MIAs. The Kerry amendment should be tabled.

Those opposing the motion to table contended:

The current standard is working. Vietnam is closely cooperating with the United States in finding the remains of POW/MIAs in Vietnam. We do not know of any case in history in which a country has gone to as much effort to help a former enemy as Vietnam has. Over the past 5 years, American and Vietnamese teams have concluded 30 joint field activities in Vietnam; 233 sets of remains have been repatriated, and 97 have been identified. Just a few years ago, there were 196 individuals on the list of last known alive in Vietnam. All but 43 of those cases have been resolved. Despite the obvious success of the current standard, some of our colleagues still are not satisfied, and they have proposed strengthening it in this bill. Specifically, they want to require the President to certify that not only is Vietnam fully cooperating, but that it is also “fully forthcoming.” We think the addition of those words adds all sorts of complications. Every country has some documents which it classifies. Would Vietnam be in violation of this standard if it had a document which it did not wish to release for national security reasons? We know that our Defense Department and our intelligence agencies would not want to be held to a standard under which a foreign nation could go pawing through all of their classified records. We frankly think that this new requirement is too strict. We also object to some of the new specific actions that our colleagues want to impose. The Kerry amendment would strike the new certification standard that has been put in this bill, and would replace it with the current standard. We urge our colleagues to support this amendment.